

Remarks

In the Office Action, claims 1 – 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by Samuels, U.S. Pat. No. 6,191,363. Claims 9 – 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Samuels in view of Warszawa, PL 60,484. For the reasons set forth below, Applicant respectfully traverses the above objections and rejections.

Discussion of the §102 Rejections

The examiner has rejected claims 1 – 8 under 35 U.S.C. § 102(b) as being anticipated by Samuels. According to the MPEP, “a claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art reference.” MPEP §2131 (quoting *Verdegaal Bros. v. Union Oil Company of California*, 814 F2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1997)).

Applicant would like to thank Supervising Examiner Chilcot for his telephone interview. During the interview, Applicant’s counsel suggested that the claims be amended to include the limitation that the wall to which the base profile is attached form part of the open space in which the wires are positioned. Applicant’s counsel understands that Examiner Chilcot agrees this limitation may overcome the Samuels reference. While Applicant believes that the Examiner’s rejections in the Office Action can be traversed without amendment, in an effort to expedite this patent’s issuance, Applicant has amended independent claims 1, 6 and 9 to better define the invention. Claim 4 has been amended to correct a antecedent basis error, and that correction does not affect the scope of the original claim 4. New claim 13 explicitly adds the limitation of a second open space adapted to receive a wire. Applicant respectfully submits that

Samuels does not set forth each and every element as set forth in Applicant's amended claims, and therefore, this rejection should be withdrawn, and the claims be allowed to issue.

Specifically, the independent claims 1, 6 and 9 now require, among other elements, at least a first open space – and in the case of claims 6 and 9, a second open space – which is defined, at least in part, by the wall to which the base profile is engaged. As seen, this limitation is not present in Samuels, and would, in fact, destroy the purpose of Samuels. As seen in Samuels, back plate 11 is engaged to the wall, and then front plate 26 is engaged to back plate 11. Without back plate 11, front plate 26 has no stable structure with which to engage, and thus, any open spaces in the Samuels reference are, by necessity, defined by at least back plate 11 and front plate 26, rather than by front plate 26 and the wall.

As such, the Samuels reference does not contain each and every element of Applicant's amended independent claim 1. Therefore, Applicant respectfully requests that the §102(b) rejection be withdrawn and this claim be allowed to issue. Furthermore, because Applicant's claims 2 – 5 each depend, either directly or indirectly, from allowable independent claim 1, each of these dependent claims is also now allowable, and Applicant respectfully requests that these claims be allowed to issue.

Discussion of the §103 rejections

In the Office Action, claims 9 – 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Samuels in view of Warszawa. Applicant respectfully traverses this rejection.

Consistent with the Patent Law, as set forth in title 35 of the United States Code, the examiner bears the burden of establishing a *prima facie* case of obviousness. “If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of non-obviousness.” MPEP § 2142. To establish a *prima facie* case of obviousness, the Examiner must show, among other criteria, that the prior art reference (or combined references) teach all the claim limitations. *Id.* As seen, Samuels in view of Warszawa does not disclose each and every element of Applicant’s amended claims.

While Applicant does not believe that the combination of Samuels and Warszawa disclose each element of the previous claims, in the interest of expediting the issuance of this patent, Applicant has amended independent claims 6 and 9 as discussed above. Specifically, these claims now require, among other elements, a first and a second open space, each space defined, at least in part, by the wall. This feature is not present in either Samuels or Warszawa, nor would its inclusion be obvious to one of ordinary skill in the art.

Therefore, each and every element of Applicant’s independent claims is not taught by the combination of Samuels and Warszawa. Consequently, Applicant respectfully submits that the rejection of these claims should be withdrawn, and the claims be allowed to issue. Additionally, each of the remaining claims depends from one of these now-allowable independent claims and, as such, comprises those elements of the independent claims that are not disclosed by the cited prior art. Therefore, Applicant respectfully submits that the rejections of these claims should also be withdrawn, and these claims also be allowed to issue.

Conclusion

It is believed that Applicant has addressed all of the outstanding matters and it is requested that this application be granted a Notice of Allowance at the earliest possible date. Please contact the undersigned attorney if there are any questions.

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